



OUTLINES, FLOW CHARTS, INDEX CARDS

Visual Methods to
Make Sure You Get It!

Risks and Rewards of Different

CLASS CONTENT IS NOT “EVEN”

Exceptions

Secondary
Rules



Groups

MANAGE (LEARN) CONTENT
IN WAYS THAT FIT

- * IMMEDIATE GOALS
(CLASSROOM)
- * DESIRED OUTCOMES
(EXAM)

Method of Study	Risks	Rewards
Class Notes	<p>Little additional investment.</p> <p>No understanding of rule relationships.</p>	<p>Little additional investment.</p> <p>Natural emphasis on professor's bigger points.</p>
Outline	<p>Omitting information that prompts you to create a robust application.</p> <p>Narrow issue focus may prevent seeing related issues.</p>	<p>Writing it correctly requires you to understand relationship between individual rules.</p> <p>Path to follow on exam.</p>
Flow Charts	<p>Tendency to be outcome driven, which leads to neglecting the application.</p> <p>Easy for them to become very complex, unmanageable in size.</p> <p>Yes/no questions don't foster application writing.</p>	<p>Writing it correctly requires you to understand relationship between individual rules.</p> <p>Path to follow on exams (panic postponed). Path highly directed (getting lost is hard).</p>
Index Cards	<p>Rules entirely separated from process of application.</p> <p>Rule knowledge buys limited points.</p>	<p>Recall knowledge of basic concepts, including element tests.</p>

USE THE DESIRED
OUTCOME TO SHAPE ANY
METHOD YOU CHOOSE TO
EMPLOY

THE DEFAULT: OUTLINE



WHAT'S SO SPECIAL
ABOUT AN OUTLINE?

Outline

- Requires understanding relationship between individual rules.
- Provides the overall picture
- Organized hierarchically.
- Concept-driven

Class/Reading Notes

- Requires the ability to locate and list rules.
- Structure dictated by book order and class organization
- Probably case-driven
- Organized chronologically by class.

WHAT'S THE POINT??

- ⦿ Not to put everything down in a list so as to help memorization
- ⦿ Not to produce a publishable material
- ⦿ Not to string together your briefs, along with class note annotations into a single unwieldy document

THE REAL POINT

- ◉ To put everything together so that you understand it
- ◉ To organize the course into a digestible whole
- ◉ To prepare your mind to process a complex fact problem and sort it into its various components (i.e., the “issues”)
 - Think a meat grinder that cuts and chews everything up and sorts it all out into its component parts
- ◉ Ultimately, the idea is to prepare your mind for a final exam

SIDE BENEFITS

- Figure out what you do and don't actually understand
 - What do you do if you realize you don't understand something?
 - Try to figure it out
 - Look at a hornbook
 - Talk to a classmate
 - **Talk to your Professor!!**
- Writing something down helps you learn or memorize it
- Helps to avoid boredom on week-ends if you run out of new cases to read

SHOULD YOU MAKE YOUR OWN?

- ◉ There are lots of commercial outlines available—possibly even a lot of upperclass outlines available. Can I just use one of them?
- ◉ **NO!!**
- ◉ The main point of preparing an outline is the **DOING** of it—not the end result
- ◉ Plus, you want an outline keyed to (1) your class; and (2) your professor; and (3) **YOURSELF**
- ◉ Commercial outlines (and other's outlines) may be useful as auxiliary materials but cannot substitute for your own outlining

WHERE DO I START??

- ◉ Look at the Table of Contents
- ◉ Look at the Syllabus
- ◉ Glance at a Hornbook
- ◉ Review your notes
- ◉ Consider first high level concepts, and work your way down from there (Focus on the big picture first and fill it in from there)

GENERAL PRINCIPLES OF OUTLINING

- ◉ Get started early in the semester; You should be doing it NOW!!
- ◉ Be Concise (the idea is not to record everything but to make the course manageable)—More than 50 pages might be pushing it; 15-20 might be enough for some people in some classes
- ◉ Concepts are more important than cases
- ◉ Your organizational themes should be concepts and not cases
 - Cases are just examples, in the same way that a hypo is an example
- ◉ Always keep your eye on the end-game
 - Which is....
 - Recall during the exam and ability to analyze a fact problem thru the prism of the law

SOME SPECIFIC POINTERS

- ◉ Do not simply copy sources a verbatim. Strive to translate them into your own words to force comprehension. (The same thing might work well in class notes, with the occasional exception, where you simply don't understand at all)
- ◉ Accommodate your professor's peculiarities
- ◉ Think about condensing it down 1-3 pages as the exam approaches
- ◉ Sometimes getting the big picture on a whiteboard or chalkboard or something similar is a good way to get an overall picture before decending to more detailed analysis

KEEPING UP

- ◉ Within the next two or three weeks, try to have working, up-to-date outlines for each of your four doctrinal classes
- ◉ After that, devote a few hours each week to outlining for each class, probably best in a solid block of time for each class
- ◉ Try to keep up with your reading and briefing as well; but remember that, ultimately, outlining is more important than briefing ((in fact, one could argue that the chief value of briefing is the extent to which it helps you outline)
- ◉ Remember that Outlining is not a quick, slapdash process; it takes time. The very time that you spend on outlining is what benefits you most.

BASIC OUTLINE STRUCTURE

- I. Main Topic or Issue (e.g., “Battery”; or “Intent”)
- Also consider what the primary policy undergirding this area of law is
 - A. Main Rule 1 (maybe individual elements? Maybe something else?)
 - Subparts of the Rule (sometimes it is helpful for me to break this down into a series of separate questions (e.g., What amounts to a contact? Is the contact “offensive? ”)
 - For each question list the relevant sub-rules and/or insert a few BRIEF summaries of pertinent cases (just a line or two or three); the idea is to lose the weight of excessive detail
 - Note any important variations
 - If possible/relevant, tie in the individual rules with the underlying policies described above

CHECKING YOUR OUTLINE

- Make sure you know what the words, rules, and holdings that you have included in the outline really mean
- Make sure that you can state all this stuff in your own words on the fly
- Understand the “reason” for the rule
- In your head, you should be able to generate examples that satisfy and do not satisfy a given rule

TESTING OUT YOUR OUTLINE

- ◉ Ultimately the outline is supposed to help you digest a set of facts and apply the law to it
- ◉ So try it out. With outline in hand, tackle a hypothetical exam-type problem. Does the outline help to guide you through the step necessary to analyze the problem or to quickly locate the relevant rules?
- ◉ Don't be afraid to modify your outline as you gain a deeper understanding. It's a work in progress.



FLOW CHARTS AND DECISION TREES

HAVING A PATH TO FOLLOW

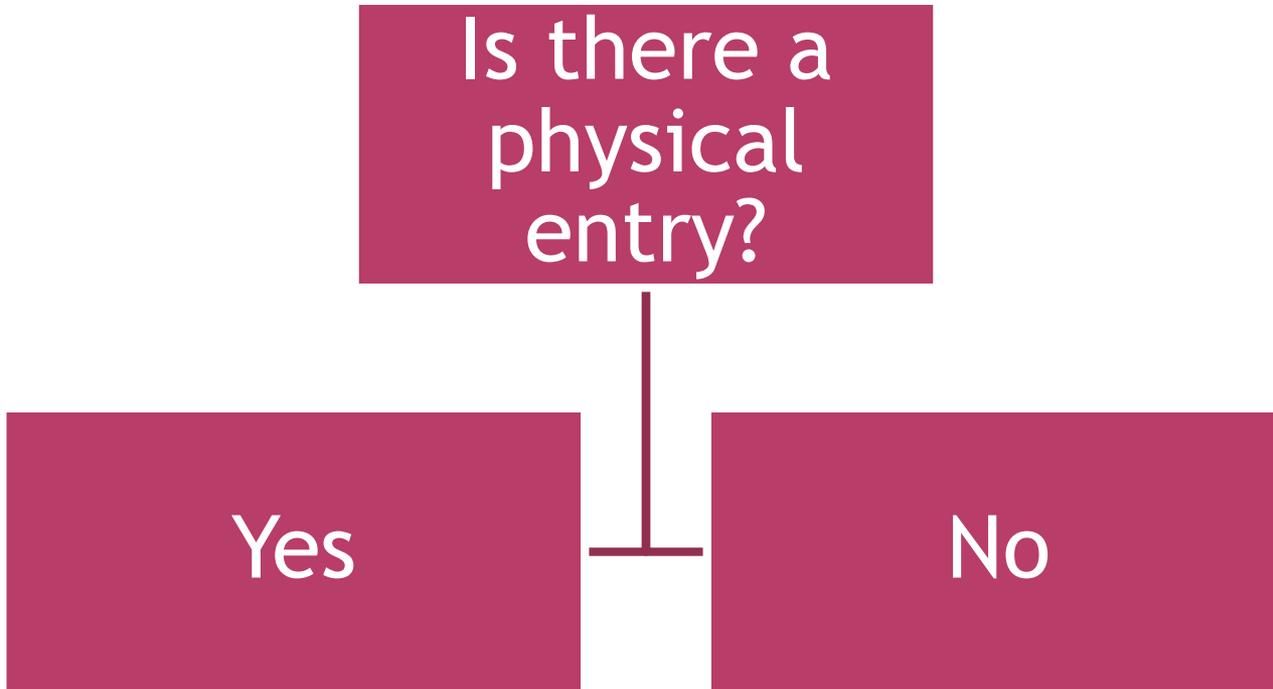


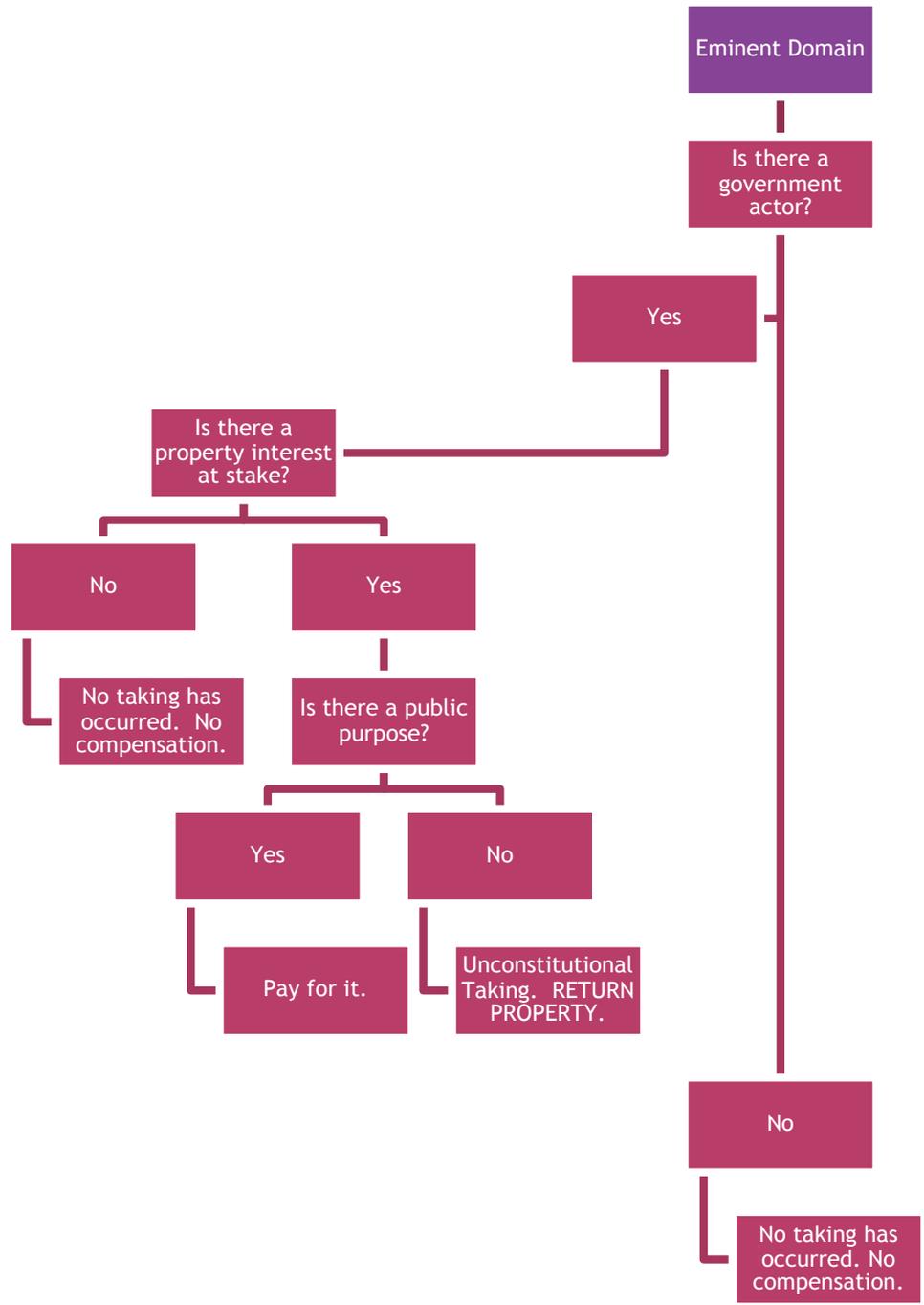
TAKINGS EXAMPLE

Is there a
physical
entry?

Yes

No





EMINENT DOMAIN

1. Is there a physical entry?
 1. Yes - continue
 2. No - no takings
2. Is there a government actor?
 - A. Yes - Continue
 - B. No - No taking, no compensation needed.
3. Is there a property interest at stake?
 - A. Yes - Continue
 - B. No - No taking, no compensation needed.
4. Is there a public purpose?
 - A. Yes - Valid Taking, Pay them.
 - i. Only avenue of dispute is amount.
 - B. No - Unconstitutional taking. Return the property!

REGULATORY TAKINGS

I. Threshold Questions

- Is there a governmental action?
- Is there a property interest at stake?
- De minimus?
- Is this an exercise of police power with burdens well spread?

II. Ad hoc factual inquiry

- Substantial economic impact?
- Interference with investment backed expectations?
- Character of the governmental action?
- The type of use planned by the claimant.
 - There is leniency for the government to prohibit “harmful or noxious uses of the property”.

SHOULD I USE ONE, TWO,
ALL OF THESE METHODS?

FIT THE METHOD TO THE OUTCOME

Class Notes	Outline	Flow Charts	Index Cards
* Determine professor's personal interests.	* Confirm understanding of relationship between rules. Understand how cases relate to each other.	*Lengthy procedures, works well with yes/no questions.	* Recalling definitional information, brief tests of elements.
* Isolate key concepts in the course based on temporal cues.	* Address the fear that you won't see the issues.	*Address the fear you won't see the issues.	
Courses	Courses	Courses	Courses
All	All	Civ Pro Bankruptcy Tax	Criminal Law Property Torts